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FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. CONFIRMATION NO. 02/19/2002 10/079,949 Ebrahim Zandi 13761-7064 6542 38706 7590 01/17/2007 **EXAMINER** FOLEY & LARDNER LLP 1530 PAGE MILL ROAD PROUTY, REBECCA E PALO ALTO, CA 94304 PAPER NUMBER 1652 SHORTENED STATUTORY PERIOD OF RESPONSE MAIL DATE DELIVERY MODE 3 MONTHS 01/17/2007 **PAPER**

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Commence	10/079,949	ZANDI ET AL.
Office Action Summary	Examiner	Art Unit
•	Rebecca E. Prouty	1652
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
Status		
 Responsive to communication(s) filed on <u>23 October 2006</u>. This action is FINAL. 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213. 		
Disposition of Claims		
 4) Claim(s) 2,5-7,17-19 and 21-41 is/are pending in the application. 4a) Of the above claim(s) 24-41 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 2,5-7,17-19 and 21-23 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 		
Application Papers		
 9) ☐ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on 19 February 2002 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 		
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 		
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	te

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Claims 1, 3, 4, 8-16, and 20 have been canceled. Claims 2, 5-7, 17-19 and 21-41 are still at issue and are present for examination.

Claims 24-41 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse the response filed 10/4/04.

Applicants' arguments filed on 10/23/06, have been fully considered and are deemed to be persuasive to overcome some of the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 2, 5-7, 17-19, and 21-23 are rejected under 35

U.S.C. 103(a) as being unpatentable over either Li et al. or

Rothwarf et al. (Reference C27 of Applicant's PTO-1449) in view

of Traincard et al. and Epinat et al. The rejection is

explained in the previous Office Action.

Applicants argue that the combination of references fails to teach or suggest a method for reconstituting a substantially homogenous IKK protein complex comprising at least the IKKY subunit. Applicants argue that mammalian systems as taught in the art do not form substantially homogenous complex because the exogenous IKK gene products complex with endogenously produced IKK gene products. However, this is not persuasive as the cited art clearly would have led a skilled artisan to reasonably expect that similar complications would not occur when the IKK complexes are produced in yeast as the art leads a skilled artisan to conclude that yeast do not endogenously produce IKK proteins. As such any IKK complexes formed would necessarily have to comprise only those IKK subunit proteins produced from the heterologously introduced IKK genes and therefore would be homogenous in composition.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca E. Prouty whose telephone number is 571-272-0937. The examiner can normally be reached on Tuesday-Friday from 8 AM to 5 PM. The examiner can also be reached on alternate Mondays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (571) 272-0928. The fax phone number for this Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

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see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Rebecca Prouty Primary Examiner Page 5

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